

Resolution No. ZSR-21-27 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on September 14, 2021 at the offices of the Suffolk County Planning Commission with respect to the application of “**Village Huntington Bay Proposed Local Law 2 of 2021 regarding Waterfront Moratorium**” located in the Village of Huntington Bay
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **October 6, 2021**, be it therefore,
- RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approves** the Inc. Village of Huntington Bay Proposed Local Law 2 of 2021 regarding a Waterfront Moratorium” with the following Modification and Comments:

MODIFICATION OF APPROVAL:

The Suffolk County Planning Commission Approves the Inc. Village of Huntington Bay’s Proposed Local Law 2 of 2021 regarding a Waterfront Moratorium on the condition that the moratorium is only for a period of six (6) months.

At the end of the six month time period the Village of Huntington Bay must bring the moratorium request back to the Suffolk County Planning Commission with a report on the status of the LWRP that this moratorium is tied to.

COMMENTS:

1. It is the belief of the staff of the Suffolk County Planning Commission that the proposed Local Law Section regarding exemptions and hardships could be further clarified (see SCPC staff report).
2. The Incorporated Village of Huntington Bay may wish to consider the Suffolk County Planning Commission guidelines on Climate Change found in the Suffolk County Planning Commission Guidebook section 4.10. For convenience of the public, Suffolk County has made available through this section a [web map now in a web app](#):

<https://gis.suffolkcountyny.gov/portal/apps/webappviewer/index.html?id=3335037e07594e8aa4462e2978959ba6>

The web map indicates tax map parcels likely to be inundated by flood waters. An overlay zoning district linked to the Inc. Village of Huntington Bay’s Waterfront Preservation Districts A1, B1, C1, and D1, that adds regulations including the applicable best management practices identified in the Suffolk County Planning Commission Guidebook can achieve the regulatory result the Village is seeking short of the LWRP process and within the eighteen month time frame established by the moratorium local law.

3. As per information referred to the Suffolk County Planning Commission from the Inc. Village of Huntington Bay, pursuant to 6 NYCRR 617.5(c)(36), the proposed local law is a Type II Action exempt from environmental review pursuant to the State Environmental Quality Review Act (SEQRA). Accordingly, no environmental assessment form has been prepared. It should be noted that suspension of regulated shoreline activities intended to prevent erosion, flooding, etc., may allow such adverse environmental impacts to continue on the coastal properties within the Village. While the SEQRA determination may be technically correct it does not imply that the effect of the proposed moratorium, over its duration, will not have an adverse effect on the coastal environment. A finding in the proposed moratorium language should be made toward the assessment of the suspension of regulated activities on certain known problematic properties.

Village of Huntington Bay
Proposed Local Law 2 of 2021 regarding a Waterfront Moratorium

COMMISSION ACTIONS OF APPROVED RESOLUTION

	AYE	NAY	RECUSED	ABSENT
ANDERSON, RODNEY – At Large				X
CASEY, JENNIFER - Town of Huntington	X			
CHARTRAND, MATTHEW - Town of Islip	X			
CHU, SAMUEL – Town of Babylon	X			
CONDZELLA, JOHN – Town of Riverhead	X			
DOTY, DAVID – Town of East Hampton	X			
ESPOSITO, ADRIENNE - Villages over 5,000	X			
FINN, JOHN - Town of Smithtown		X		
FLYNN, DANIEL – Town of Southampton	X			
GALLE, ELIZABETH, - Town of Shelter Island				X
GERSHOWITZ, KEVIN G.- At Large		X		
KAUFMAN, MICHAEL - Villages under 5,000	X			
KELLY, MICHAEL – Town of Brookhaven				X
KITT, ERROL – At Large	X			
MCCARHTY, THOMAS - Town of Southold	X			

Motion: Commissioner Kaufman

Present: 12

Seconded: Commissioner McCarthy

Absent: 3

Voted: 12

Recused: 0

Absent: 3

DECISION: Approved with Modification